THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No.6886 of 2007

Date 11-10-2007

Between:
Shristi Dali Naidu.

.... PETITIONERS

AND

The Assistant Divisional Engineer Electrical/Operation,
Parvathipuram, Vizianagaram District & others.

...RESPONDENTS

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No.6886 of 2007

O R D E R:

In this writ petition, the petitioner questions the validity of the provisional assessment notice dated 22-03-2007 issued by the Assistant Divisional Engineer, APEPDCL, Parvathipuram on account of pilferage of energy.

The petitioner had obtained electricity service connection bearing No.73 under Category III-A of Madalinga village, Komarada Mandal, Vizianagaram District. The said service connection was inspected on 06-03-2007, and, on noticing some incriminating points, a case of pilferage was registered. Further, the meter was sent to MRT Lab for the purpose of testing and based on the MRT test report, allegations are made against the petitioner to the effect that he had flattened the seals of MRT and there was gap between the top and bottom meter cover and as such, the meter disc was found struck up on full load and 1/10th load. On the above said allegations, the respondents assessed the loss of energy at Rs.1,76,906/- in terms of the Assessment rules and the provisions of clause 10 of the General Terms and Conditions of Supply and demanded an amount of Rs.88,453/- for restoration of power supply. Aggrieved thereby, the petitioner filed the present writ petition.

This Court, by order dated 03-04-2007, directed restoration of power supply and it is stated that power supply has been restored to the petitioner.

It is stated that the petitioner has not meddled with the meter and only due to the defects in the meter itself, the meter was not rotating and there is no basis for the allegations levelled against him. However, it is to be seen that the impugned notice is a provisional assessment notice and the issue as to whether the petitioner has meddled with the meter or not is a matter of enquiry

by the competent authority. As the final assessment proceedings are pending before the competent authority, it is not desirable for this Court to record any finding on the said aspect.

Inasmuch as it is the case of the petitioner that he did not meddle with the meter, I deem it appropriate, in the interest of justice, to dispose of the writ petition with a direction that no further steps shall be taken to disconnect the power supply to the petitioner's service connection with reference to the provisional assessment notice dated 22-03-2007 pending final assessment proceedings, subject to the petitioner paying an amount of Rs.40,000/- (rupees forty thousand only) within a period of two months from today. It is made clear that if the petitioner fails to deposit the amount within the time stipulated above, it is open for the respondents to proceed in accordance with the Terms and Conditions of supply.

Subject to the above direction, the writ petition is disposed of. It is needless to mention that deposit of Rs.40,000/- (rupees forty thousand only) is only pursuant to the impugned notice and subject to payment of regular consumption and demand charges. No order as to costs.

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11-10-2007

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